

## REMARKS

Claims 1-12 and 14-25 are pending.

### Claim Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1-12 and 19-25 stand rejected as allegedly being unpatentable over claims 1-11 and 22 of U.S. Patent No. 6,531,051. Attached hereto is a Terminal Disclaimer obviating these grounds of rejection. Consequently, Applicants respectfully submit that these rejections should be withdrawn.

### Rejoinder of Claims 14-18

Applicants respectfully submit that process claims 14-18 should be rejoined in the present application. Particularly, Applicants respectfully submit that rejoining these dependent claims would require no further search. Particularly, Applicants respectfully submit that there is no suggestion or motivation in the prior art to use the novel, non-obvious catalyst in the claimed processes. See, e.g., M.P.E.P. §2116.01, as well as *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996). Consequently, rejoining these claims will require no further search or burden upon the Office. Therefore, Applicants respectfully submit that these claims should be rejoined in the application.

### 24 April 2003 Interview Between Examiner Ildebrando and James E. Ruland

Applicants acknowledge the Examiner's time and courtesy during the 24 April 2003 interview with Applicants' representative. Although the Examiner indicated that Applicants are not required to provide a separate summary of that interview, Applicants would like to provide the following comments at this time in conformity with M.P.E.P. §713.04:

1. No exhibit was shown nor any demonstration conducted;
2. Claim 1 was discussed;
3. U.S. Patent No. 4,585,748 (Usui) was discussed;
4. No amendments were proposed; and

5. Usui failed to teach or suggest a Group VIB metal in the porous network of the zeolite. Rather Usui taught the Group VIB metal on the zeolite.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which should be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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JER/tc/jqs